

Message Text

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47

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TAGS: UNIDO, AORG, OCON, PORO

SUBJECT: FOURTH SESSION OF THE INTERGOVERNMENTAL COMMITTEE OF THE
WHOLE ON UNIDO CONSTITUTION (IGC-IV), NOV. 2-15, 1976:

REF: (A) VIENNA 9357, (B) VIENNA 9441

ON NOVEMBER 12 LEGAL DRAFTING GROUP ADOPTED, FOR TRANSMISSION
TO THE CONTACT GROUP, ARTICLE 4 (SUSPENSION):

QUOTE. 1. THE CONFERENCE, BY A TWO-THIRDS
MAJORITY, UPON THE RECOMMENDATION OF THE BOARD, MAY SUSPEND
A MEMBER FROM THE EXERCISE OF THE RIGHTS AND PRIVILEGES
OF MEMBERSHIP FOR THE PERSISTENT NON-OBSERVANCE OF ANY
OF ITS INDIVIDUAL OBLIGATIONS UNDER THIS CONSTITUTION.

2. ANY MEMBER OF THE ORGANIZATION THAT IS SUSPENDED
FROM THE EXERCISE OF THE RIGHTS AND PRIVILEGES OF MEMBERSHIP
OF THE UNITED NATIONS SHALL AUTOMATICALLY BE SUSPENDED FROM
THE EXERCISE OF THE RIGHTS AND PRIVILEGES OF MEMBERSHIP
OF THIS ORGANIZATION.

3. ANY MEMBER THAT IS IN ARREARS IN THE
PAYMENT OF ITS FINANCIAL CONTRIBUTIONS TO THE
ORGANIZATION SHALL HAVE NO VOTE IN THE ORGANIZATION
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IF THE AMOUNT OF ITS ARREARS EQUALS OR EXCEEDS

THE AMOUNT OF THE ASSESSED CONTRIBUTIONS DUE FROM
IT FOR THE PRECEDING TWO FISCAL YEARS. EACH ORGAN
MAY, NONETHELESS, PERMIT SUCH A MEMBER TO VOTE
IN THAT ORGAN IF IT IS SATISFIED THAT THE FAILURE
TO PAY IS DUE TO CONDITIONS BEYOND THE CONTROL OF THE
MEMBER. UNQUOTE.

COMMENT: ONLY CONCERN OF USDEL WAS THAT PARAGRAPH 1
AS ORIGINALLY DRAFTED PERMITTED THE CONSTRUCTION THAT
ACTION BY A MEMBER CONTRARY TO THE PREAMBLE, AND TO THE
OBJECTIVES AND FUNCTIONS OF THE ORGANIZATION (ARTICLES 1
AND 2) MIGHT BE GROUNDS FOR SUSPENSION EVEN THOUGH
THEY ARE NOT ADDRESSED TO INDIVIDUAL MEMBERS, BUT ARE
RATHER DESCRIPTIVE OF THE ORGANIZATION. GIVEN THE
EXTREMELY BROAD TERMS IN WHICH THE PREAMBLE AND ARTICLES
1. AND 2 ARE DRAFTED, THIS AMOUNTED TO AN OPEN INVITATION
TO THE ORGANIZATION TO SUSPEND ANY UNPOPULAR MEMBER. THE
PRESENT PARAGRAPH IS A REDRAFT TO A SUGGESTION
BY THE CHAIRMAN OF THE LEGAL DRAFTING GROUP, DESIGNED TO
DEAL WITH THIS PROBLEM. STIBRAVY

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